

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

NETFLIX, INC.

*Plaintiff,*

vs.

LUCAS BABIN,

*Defendant.*

**CIVIL ACTION NO. 9:22-CV-31-MJT**

**HOTLINE ORDER**

The undersigned conducted a Discovery Hotline hearing in the above case at approximately 10:30 a.m. on August 30, 2022. Defendant initiated the hotline call. At the depositions of Lucas Babin (Defendant) and Patrick Hardy, Defendant sought to reassert Defendant's Motion to Quash these depositions (doc. #57), previously ruled on by Judge Stetson (doc. #64). Specifically, Defendant reasserts that (1) Plaintiff has not shown the particularized need for the depositions of Defendant and Hardy, and (2) Defendant and Hardy have absolute immunity against Plaintiff's claims as "sworn grand jury witnesses." Defendant renews these objections on the basis that the record now adequately establishes that Defendant and Hardy were sworn grand jury witnesses.

Consistent with her previous ruling, the undersigned finds that Plaintiff has demonstrated the particularized need for the depositions of Defendant and Hardy. Further, Defendant has not demonstrated that Defendant and Hardy have absolute immunity against Plaintiff's claims. Plaintiff may depose Defendant and Hardy regarding their activities surrounding the prosecution and in front of the grand jury.

The issue of whether Defendant and Hardy's alleged sworn testimony will be admitted into evidence is an evidentiary ruling for Judge Truncale. Defendant's objection to the admissibility of such evidence can be reserved for a later time.

Pursuant to a ruling from the bench, Defendant's objections are **OVERRULED**. It was **ORDERED** that the parties move forward with the depositions and that Lucas Babin and Patrick Hardy answer Plaintiff's counsel's questions. Defendant may raise proper objections to Plaintiff's questions during the depositions pursuant to the Federal Rules of Civil Procedure.

**SIGNED this the 30th day of August, 2022.**

A handwritten signature in black ink, appearing to read 'C. Stetson', written over a horizontal line.

Christine L. Stetson  
UNITED STATES MAGISTRATE JUDGE